

## **REGULAR MEETING**

**April 11, 1994**

The Regular Meeting of the Annapolis City Council was held on April 11, 1994 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:30 p.m. Alderman Gilmer offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

Staff Present: City Attorney Goetzke, Planning and Zoning Director Fogarty, Public Works Director Patmore, Finance Director Tyler, Central Services Officer Harrison

Mayor Hopkins presented a Proclamation to Brooks Thomas Nussear.

Alderman Turner moved to approve the Minutes of 3/14/93, 3/22/94 and 3/28/94. Seconded. CARRIED on voice vote.

### **PETITIONS, REPORTS AND COMMUNICATIONS**

1. Mary Jackson  
82 Clay Street  
Annapolis, MD 21401

Spoke regarding the use of the Stanton Center for a therapeutic drug facility. Mrs. Jackson submitted a petition to the Council.

2. Jon Grant  
No address given

Spoke regarding the use of the Stanton Center for a therapeutic drug facility. Mr. Grant submitted proposed floor plans.

3. Emily Green, Director  
City of Annapolis  
Community Services and Substance Abuse  
800 West Street  
Annapolis, MD 21401

Spoke regarding the use of the Stanton Center for a therapeutic drug facility.

4. Bertina Nick  
Representing Clay Street Area Improvement Center  
110 Clay Street  
Annapolis, MD 21401

Spoke regarding the use of the Stanton Center for a therapeutic drug facility.

5. Darius Stanton  
City of Annapolis  
Substance Abuse Specialist  
111 Northwest Street  
Annapolis, MD 21401

Spoke regarding the use of the Stanton Center for a therapeutic drug facility.

6. Greg Page, President  
Annapolis Association of Licensed Bed and Breakfast Owners  
8 Martin Street  
Annapolis, MD 21401

Spoke regarding Resolution R-17-94.

7. Patricia Trask  
1 Cumberland Court  
Annapolis, MD 21401

Spoke regarding the repaving of Cumberland Court.

8. James Nolan, Esquire  
Representing the owners of 249 Hanover Street  
125 West Street  
Annapolis, MD 21401

Spoke regarding Resolution R-17-94.

9. Maureen Cunningham  
249 Hanover Street  
Annapolis, MD 21401

Spoke regarding Resolution R-17-94.

10. Kevin Sullivan  
7 Cumberland Court  
Annapolis, MD 21401

Spoke regarding the repaving of Cumberland Court.

11. Midshipman Brad Albreck  
U.S. Naval Academy  
Annapolis, MD 21401

Spoke regarding Resolution R-17-94.

12. Ed Snyder  
23 College Avenue  
Annapolis, MD 21401

Spoke regarding Resolution R-17-94.

13. Pete Priola  
12 Market Space  
Annapolis, MD 21401

Spoke regarding Resolution R-16-94.

14. Tom Davies, President  
Ward One Residents' Association  
16 College Avenue  
Annapolis, MD 21401

Spoke regarding Resolution R-16-94.

15. Ken Kimball, Secretary/Treasurer  
Cumberland Court Association  
5 Cumberland Court  
Annapolis, MD 21401

Spoke regarding the repaving of Cumberland Court.

**ACTION ON APPLICATIONS AND APPEALS**

1. **R-58-93 Revised** For the purpose of annexing certain property lying on or near Capital Drive, contiguous to the existing boundary of the City of Annapolis.

Alderman Gilmer moved to adopt R-58-93 Revised. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

CARRIED: 9 - 0

2. **R-11-94** For the purpose of approving the application for a variance to Section 20.24.160, Environmental Planting Screen, Code of the City of Annapolis (1986 Edition and Supplement) to permit the relocation of a fence from the 20 foot buffer strip line to the rear property line by Property Owners of Lots 1A-7B, Cutter Court, Oxford Landing II in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Turner moved to adopt R-11-94. Seconded.

Alderman Tullier moved to amend R-11-94 as follows:

**Amendment No. 1**

On Page 2, add a new condition as follows:

4. The existing fence shall be relocated 3 feet within the property line with additional landscaping between the relocated fence and the existing sidewalk.

Seconded. CARRIED on voice vote.

The main motion, as amended, CARRIED on voice vote.

3. **R-12-94** For the purpose of approving the application of W/M Enterprises, Inc., t/a Ramshead Tavern for a conditional use to expand an existing restaurant/bar located at 29-33 West Street in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Snowden moved to adopt R-12-94. Seconded. CARRIED on voice vote.

4. **R-13-94** For the purpose of approving the application of Tony Wong, Eddie, Inc., and Synergics for a conditional use to establish a standard restaurant with alcoholic beverage service located at 189-A Main Street in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Snowden moved to adopt R-13-94. Seconded. CARRIED on voice vote.

**SPECIAL ORDER OF BUSINESS - CIP**

1. **R-14-94** For the purpose of adopting a capital improvement budget for the

Fiscal Year 1995, and a capital improvement program for the five year period from July 1, 1994 to June 30, 1999; and all matters relating to said budget and program.

Alderman Snowden moved to adopt R-14-94. Seconded.

Alderman Turner moved to amend R-14-94 as follows:

**No. 1**

Project: Stanton Center Renovation  
Project #: 505  
Delete \$173,000 - Unspecified Funds

Seconded.

Following discussion, Alderman Gilmer moved to amend Alderman Turner's amendment as follows:

Move \$173,000 to Fiscal Year (96). Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Johnson, Gilmer, Turner, DeGraff  
NAYS: Mayor Hopkins, Aldermen Tullier, Snowden, Moyer  
CARRIED: 5 - 4

Alderman Turner moved to amend R-14-94 as follows:

**No. 2**

Project: Sign Shop Renovations  
Project #: no number  
Change the Description and Justification to: "Destruction and Removal of Building"  
Funding: \$30,000

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Turner  
NAYS: Mayor Hopkins, Aldermen Johnson, Gilmer, Tullier, Snowden, DeGraff, Moyer  
DEFEATED: 7 - 2

Alderman Turner moved to amend R-14-94 as follows:

**No. 3**

Project: Old Crossing Lane  
Project #: 426  
Funding Schedule: Move \$ 30,000 to Fiscal Year (95)  
Move \$253,000 to Fiscal Year (96)

**No. 4**

Project: Cumberland Court  
Project #: 421  
Funding Schedule: Move \$140,000 to Fiscal Year (95)

Seconded. A ROLL CALL vote was taken:

YEAS: Alderman Hammond, Johnson, Turner  
NAYS: Mayor Hopkins, Aldermen Gilmer, Tullier, Snowden, DeGraff, Moyer  
DEFEATED: 6 - 3

Alderman Gilmer moved to amend R-14-94 as follows:

**No. 1**

Project: Cumberland Court

Project #: 421

Funding Schedule: Move \$ 12,000 to Fiscal Year (95)

Move \$128,000 to Fiscal Year (96)

Delete \$140,000 Later Years

Seconded. A ROLL CALL was taken:

YEAS: Alderman Hammond, Johnson, Gilmer, Tullier, Turner, DeGraff

NAYS: Mayor Hopkins, Aldermen Snowden, Moyer

CARRIED: 6 - 3

Alderman Johnson moved to R-14-94 as follows:

Project: Sign Shop Renovations

Project #: No Number

Funding Schedule: Delete \$133,000 from Fiscal Year (95)

Seconded. A ROLL CALL vote was taken:

YEAS: Alderman Hammond, Johnson, Gilmer, Turner

NAYS: Mayor Hopkins, Aldermen Tullier, Snowden, DeGraff, Moyer

CARRIED: 5 - 4

Alderman Snowden moved to adopt R-14-94 as amended. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

NAYS: Alderman Hammond

CARRIED: 8 - 1

Alderman Gilmer left at 9:25 p.m.

**LEGISLATIVE ACTION**

1. **O-18-93** Sponsored by Mayor Hopkins

For the purpose of establishing a program for the collection of newspapers, commingled glass and metal food and beverage containers, PET-plastic bottles, HDPE-plastic milk bottles, newsprint and other materials for the purpose of recycling; establishing penalties; and all matters relating to said recycling program.

There being no voiced objection, Ordinance O-18-93 was withdrawn.

2. **O-44-93** Sponsored by Alderman Snowden

For the purpose of requiring that all streets to be constructed in new subdivisions in the City of Annapolis shall be owned and maintained by the City of Annapolis and shall conform to City standards prior to conveyance to City ownership; and all matters relating to said streets.

There being no voiced objection, Ordinance O-44-93 was withdrawn.

3.     **O-46-93**     Sponsored by Alderman Snowden

For the purpose of creating the Committee on Education; establishing the membership, powers and duties; and all matters relating to said Committee.

There being no voiced objection, Ordinance O-46-93 was withdrawn.

4.     **O-57-93**     Sponsored by Alderman Moyer

For the purpose of restricting the hours for commercial refuse collection; and all matters relating to said refuse collection.

The Rules Committee reported unfavorably on O-57-93.

The Solid Waste Committee reported unfavorably on O-57-93.

Alderman Snowden moved to adopt O-57-93 on second reading. Seconded. A ROLL CALL vote was taken:

YEAS:       Alderman Moyer

NAYS:       Mayor Hopkins, Aldermen Hammond, Johnson, Snowden, Turner, DeGraff

DEFEATED: 6 - 1

5.     **O-6-94**     Sponsored by Mayor Hopkins

For the purpose of authorizing the lease of certain municipal property located at the City Dock to Spirit Marine Company, for a certain period of time, at a certain rental and under certain terms and conditions, for the purpose of docking and mooring the vessel known as "Spirit of Baltimore"; and all matters relating to said lease.

The Rules and Finance Committees reported favorably on O-6-94.

The Economic Matters Committee reported favorably on O-6-94 with the following amendment:

**No. 1**

On page 1, line 46, strike "of one month" and substitute "COMMENCING APRIL 1, 1994 AND CONCLUDING ON DECEMBER 31, 1994".

Seconded. CARRIED on voice vote.

Alderman Hammond moved to amend O-6-94 as follows:

**No. 1**

On Page 3 of the Lease attached to O-6-94, Paragraph b., strike "slip tax of 10%" and substitute "APPLICABLE SLIP TAX".

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-6-94 Amended on second reading. Seconded. CARRIED on voice vote.

Alderman Johnson moved to adopt O-6-94 Amended on third reading. Seconded.

CARRIED on voice vote.

6.     **O-14-94**     Sponsored by Alderman DeGraff

For the purpose of revising the composition of the Maritime Advisory Board to permit the aldermanic representatives to appoint designees to serve in their place; and all matters relating to said Board.

Alderman DeGraff moved to adopt O-14-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules Committee.

7.     **O-15-94**     Sponsored by Aldermen Tullier and Snowden

For the purpose of renaming the Planning and Zoning Commission to the Planning Commission; and all matters relating to said Commission.

Alderman Snowden moved to adopt O-15-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning and Zoning Commission.

8.     **O-16-94**     Sponsored by Mayor Hopkins

For the purpose of changing the issuing authority for the filing of certain signs or banners across public streets; and all matters relating to said issuing authority.

Alderman Snowden moved to adopt O-16-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules Committee

9.     **O-17-94**     Sponsored by Alderman Moyer

For the purpose of establishing that the chairperson of certain committees shall be appointed by the Mayor; and all matters relating to said appointments.

Alderman Snowden moved to adopt O-17-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules Committee

10.    **O-18-94**     Sponsored by Alderman Johnson

For the purpose of amending the configuration of the Annapolis harbor line outboard of 369 Dewey Drive on Weems Creek; and all matters relating to said harbor line.

Alderman DeGraff moved to adopt O-18-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters Committee and Port Wardens.

11.   **O-19-94**       Sponsored by Alderman DeGraff

For the purpose of amending the configuration of the Annapolis harbor line outboard of Port Annapolis Marina, Inc., on Back Creek at 7074 Bembe Beach Road; and all matters relating to said harbor line.

Alderman Snowden moved to adopt O-19-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters Committee and Port Wardens.

12.   **O-21-94**       Sponsored by Alderman Turner

For the purpose of prohibiting animal disturbances; establishing a penalty; and all matters relating to said animal disturbance.

There being no objection, O-21-94 was postponed to the May 9, 1994 meeting.

13.   **O-22-94**       Sponsored by Mayor Hopkins

For the purpose of authorizing the lease renewal of certain municipal property located at the City Dock to Captain Paul's Charters, for a certain period of time, at a certain rental and under certain terms and conditions, for the purpose of docking and mooring a certain boat; and all matters related to said lease.

Alderman Snowden moved to adopt O-22-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance and Economic Matters Committees.

14.   **O-23-94**       Sponsored by Alderman DeGraff

For the purpose of prohibiting certain discriminatory practices by establishments holding alcoholic beverage licenses; and all matters relating to said discriminatory practices.

Alderman Snowden moved to adopt O-23-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Alcoholic Beverage Control Board and Rules Committee.

15.   **O-24-94**       Sponsored by Alderman Turner

For the purpose of defining electric substations as uses allowed in certain residential zones; and all matters relating to said electric substations.

There being no voiced objection, O-24-94 was postponed to the May 9, 1994 meeting.

16.   **O-25-94**       Sponsored by Mayor Hopkins, Aldermen Johnson, Tullier, Turner

For the purpose of establishing a program for the collection of newspapers, commingled glass and metal food and beverage containers, PET-plastic bottles, HDPE-plastic bottles, newsprint, yardwaste and other materials for the purpose of recycling;



establishing penalties; and all matters relating to said recycling program.

Alderman Snowden moved to adopt O-25-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance, Environmental Matters and Rules Committees.

17. **O-26-94** Sponsored by Aldermen Johnson and Turner

For the purpose of repealing in their entirety Sections 10.16.170 and 10.16.180; providing that certain commercial establishments shall be serviced by private commercial refuse collection firms; and all matters relating to said collection.

Alderman Snowden moved to adopt O-26-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance, Environmental Matters and Rules Committees.

18. **O-27-94** Sponsored by Aldermen Johnson, Tullier, Snowden, Moyer

For the purpose of requiring that all streets to be constructed in new subdivisions and/or planned developments in the City of Annapolis shall be owned and maintained by the City of Annapolis and shall conform to City standards prior to conveyance to City ownership; for providing a mechanism whereby the mayor and Aldermen may reduce the amount of required right-of-way or pavement width; and all matters relating to said streets.

Alderman Snowden moved to adopt O-27-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning and Zoning Commission and Rules Committee.

19. **O-28-94** Sponsored by Mayor Hopkins

For the purpose of repealing in its entirety Chapter 3.28, "Medical Review Board"; revising the membership of the Public Safety Disability Retirement Board; revising certain duties of the Personnel Director in matters relating to said board; providing for service and non-service related disability retirement benefits; providing for the termination of such benefits under certain conditions; and all matters relating to said Public Safety Disability Retirement Board.

Alderman Snowden moved to adopt O-28-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Public Safety and Rules Committees.

### **BUSINESS AND MISCELLANEOUS**

1. **R-15-94** Sponsored by Mayor Hopkins

For the purpose of designating that the City Attorney shall hear Step 3 Grievances in lieu of the Mayor as required in the Collective

Bargaining Agreements negotiated by representatives of the City and of the various Unions; and all matters relating to said designation.

Alderman Turner moved to adopt R-15-94. Seconded.

Alderman Moyer moved to amend R-15-94 as follows:

**No. 1**

On lines 21, 28, and 30, immediately following "Agreements" add "for AFSCME Local 3162 and AFSCME Local 3406"; and on line 35, immediately following "Grievance" add "as provided in those Collective Bargaining Agreements for AFSCME Local 3162 and AFSCME Local 3406".

Seconded. CARRIED on voice vote.

The main motion, as amended, CARRIED on voice vote.

2. **R-16-94** Sponsored by Alderman Hammond

For the purpose of extending the moratorium on the processing of any application for the service of food or alcoholic beverages beyond 12:00 Midnight as previously adopted by Resolution R-44-93; and all matters relating to said extension of moratorium.

Alderman Turner moved to adopt R-16-94. Seconded.

Alderman Turner moved to amend R-16-94 as follows:

**No. 1**

On page 1, line 28, strike "adopted" and substitute "accepted".

Seconded. CARRIED on voice vote.

**No. 2**

On page 2, line 34, add the following:

**NOW THEREFORE BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the above referenced moratorium shall not apply to any such application filed on or before September 27, 1993 and pending on that date.

Seconded. CARRIED on voice vote.

Alderman Turner moved to adopt R-16-94 as amended. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Johnson, Tullier, Turner  
NAYS: Mayor Hopkins, Aldermen Snowden, DeGraff, Moyer  
DEFEATED: 4 - 4

3. **R-17-94** Sponsored by Alderman Hammond

For the purpose of extending a moratorium on the review or approval of applications for rental licenses for new bed and breakfast homes in the C1 zoning district for a certain time as previously adopted by R-

51-93; and all matters relating to said rental licenses.

Alderman DeGraff moved to adopt R-17-94. Seconded.

Alderman DeGraff moved to amend R-17-94 as follows:

**No. 1**

On Page 2, line 34 add the following:

**AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that nothing in this Resolution shall be interpreted to preclude the Director of the Department of Planning and Zoning, in consultation with the City Attorney, to negotiate a settlement of any pending appeal of the denial of any rental license for a bed and breakfast home in the C1 zoning district, which settlement shall be subject to City Council approval.

**AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that nothing in this Resolution shall preclude the review or approval of any rental license for a bed and breakfast home in the C1 zoning district which has not previously had a rental license for a bed and breakfast home provided the application for the license was filed before October 25, 1993.

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Johnson, Tullier, Snowden, Turner,  
DeGraff, Moyer  
NAYS: Alderman Hammond  
CARRIED: 7 - 1

Alderman Snowden moved to adopt R-17-94 as amended. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Johnson, Turner  
NAYS: Mayor Hopkins, Aldermen Tullier, Snowden, DeGraff, Moyer  
DEFEATED: 5 - 3

4. Ratification of collective bargaining agreement - United Food and Commercial Workers Union, Local 400, AFL-CIO

Alderman Snowden moved to approve the collective bargaining agreement between the City of Annapolis and United Food and Commercial Workers Union, Local 400, AFL-CIO. Seconded. CARRIED on voice vote.

5. Public Safety Committee Minutes of 3/8/94

Alderman DeGraff moved to approve the Public Safety Committee Minutes of 3/8/94. Seconded. CARRIED on voice vote.

6. Rules Committee Minutes of 3/8/94 and 3/21/94

Alderman Johnson moved to approve the Rules Committee Minutes of 3/8/94 and 3/21/94. Seconded. CARRIED on voice vote.

7. Risk Management Committee Minutes of 3/16/94

Alderman Snowden moved to approve the Risk Management Committee Minutes of 3/16/94. Seconded. CARRIED on voice vote.

8. Economic Matters Committee Minutes of 1/19/94, 2/15/94, 3/17/94, 3/24/94

Alderman Snowden moved to approve the Economic Matters Committee Minutes of 1/19/94, 2/15/94, 3/17/94 and 3/24/94. Seconded. CARRIED on voice vote.

9. Housing and Community Development Committee Minutes of 3/23/94

Alderman Tullier moved to approve the Housing and Community Development Committee Minutes of 3/23/94. Seconded. CARRIED on voice vote.

10. Finance Committee Minutes of 3/16/94, 3/25/94, 3/28/94, 3/31/94

Alderman Moyer moved to approve the Finance Committee Minutes of 3/16/94, 3/25/94, 3/28/94 and 3/31/94. Seconded. CARRIED on voice vote.

11. Payment of monthly bills

Alderman DeGraff moved to pay the monthly bills. Seconded. CARRIED on voice vote.

12. Appointments

Alderman Snowden moved to confirm the Mayor's appointments of the following named persons as set forth in Memoranda from Mayor Alfred A. Hopkins dated 3/28/94 and 4/7/94:

Recreation Advisory Board:	Stanley A. Taylor
Rules Committee:	Alderman Hammond (to replace Alderman DeGraff)
Environmental Matters Committee:	Alderman Hammond (to replace Alderman Gilmer)
Market House Committee:	Alderman Hammond, Chair Alderman Tullier Alderman Snowden

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:20 p.m.

**Patricia L. Bembe, CMC/AAE  
City Clerk**